	1	
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5	Jose Aguirre-Ruiz	
6		
7	UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WASHINGTON	
8	En is television of	
9	UNITED STATES OF AMERICA	\
10		Case No. 22-cr-2021-SMJ-3
11	Plaintiff,	/ MOTION IN LIMINE
12	VS.	REGARDING VIDEO CONTENT
13	JOSE AGUIRRE RUIZ,	
14	Defendant.	}
15)
16		
17	MOTION	
18		
19	Comes now defendant, Jose Aguirre Ruiz, by and through counsel, and moves	
20	this court for an order precluding government witnesses from discussing the content	
21		
22	of government's trial exhibits 2 and 12.	
23	MEMORANDUM	
24	The informant is the necessary witness for the admission of the wire recording	
25		
26	of his meeting with the defendant. Admissibility of recorded conversations hinges o	
27		nd Street
28		Z LAW

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whether or not the proponent can authenticate the content of the recording. FRE 901 makes clear that in order to authenticate evidence, the proponent bears the burden of producing "evidence sufficient to support a finding that it is what the proponent claims it is." This can be satisfied by testimony, but it has to be testimony of a witness with knowledge that the item is what it is claimed to be.

The defense has been provided with several reports describing the July 29, 2021 alleged exchange of cash for drugs between an informant and Mr. Aguirre Ruiz. The various reports list nine officers, four of whom appear on the government's witness list. These officers are reported to have participated in various ways as the informant was equipped with audio/video recording devices and the two men, informant and defendant, met. There is no indication that the recording device was also a transmitter. Because of this, none of the law enforcement witnesses has direct knowledge of what the recording contains. They can testify that the recording device was attached and retrieved, but not as to the authenticity of its contents. This is personal knowledge only the informant can provide.

CONCLUSION

Based upon the foregoing, the defense therefore requests that government witnesses other than the informant be precluded from discussing the contents of the audio/videorecording to be offered by the government at trial.



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1		
2	DATED: February 17, 2023	
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11		
12	CERTIFICATE OF SERVICE	
13	I hereby certify that on June 17, 2022, I electronically filed the foregoing with	
14	the Clerk of the Court using the CM/ECF System which will send notification of such	
15	the elerk of the court using the emiller system which will send notification of such	
16	filing to the following: AUSA Frances Walker, AUSA Michael Murphy.	
17		
18		
19	s/ Robin C. Emmans Robin C. Emmans, WSBA 37085	
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